



Directorate of Defense Trade Controls (DDTC)

ITAR § 126.5: Canadian Exemption User Guide

Frequently Asked Questions to consider before using the Canadian Exemption.

Q: Is this defense article or defense service subject to the ITAR?

A: For an interpretation of the requirements set forth in the ITAR, you may use the advisory opinion process as described in ITAR § 126.9(c). For commodity jurisdiction determinations, please review ITAR § 120.4 and visit the Commodity Jurisdiction section under the Conduct Business tab of the DDTC website for more information. If your item or service is not subject to the ITAR, consider reviewing the Department of Commerce's Export Administration Regulations (EAR). The Canadian exemption may only be used to export an item subject to the EAR if that item is for use in or with a defense article and is included in the same shipment as a defense article (see ITAR § 120.5(b)). The Canadian exemption may not be used to export an item subject to the EAR that is not accompanied by a defense article.

Q: Is this defense article for permanent import into the United States?

A: If yes, please consult the U.S. Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for more information. Permanent imports fall under the jurisdiction of the ATF, not the Directorate of Defense Trade Controls (DDTC).

Q: Am I eligible to use the Canadian exemption?

A: U.S. persons, Canadian-registered persons, or Canadian Federal or Provincial governmental authorities acting in an official capacity are eligible to use the Canadian exemption. Persons should register with DDTC in accordance with ITAR § 122.1, as applicable. Please also note the exemptions from the registration requirement that are listed in ITAR § 122.1(b).

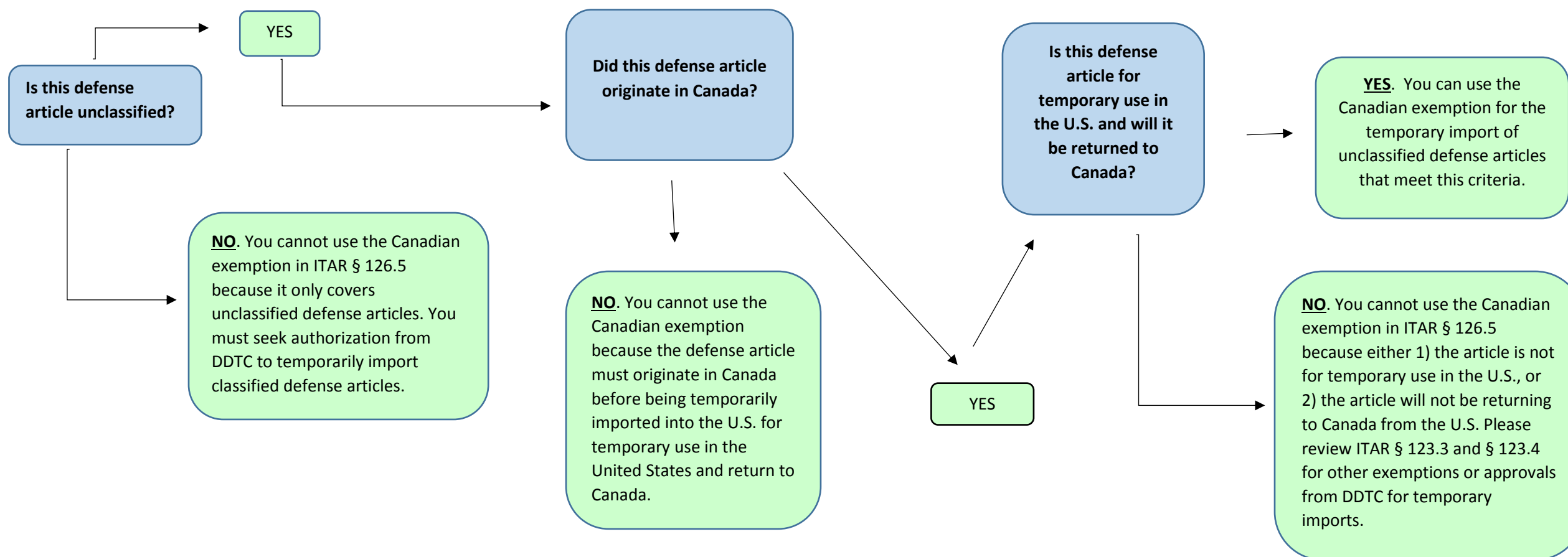
**Disclaimer: This user guide does not include requirements or obligations under other U.S. or foreign regulations. Please be sure to review relevant regulations, as appropriate, before proceeding with your transaction(s).*



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Can I use the Canadian exemption to temporarily import ITAR controlled defense articles?

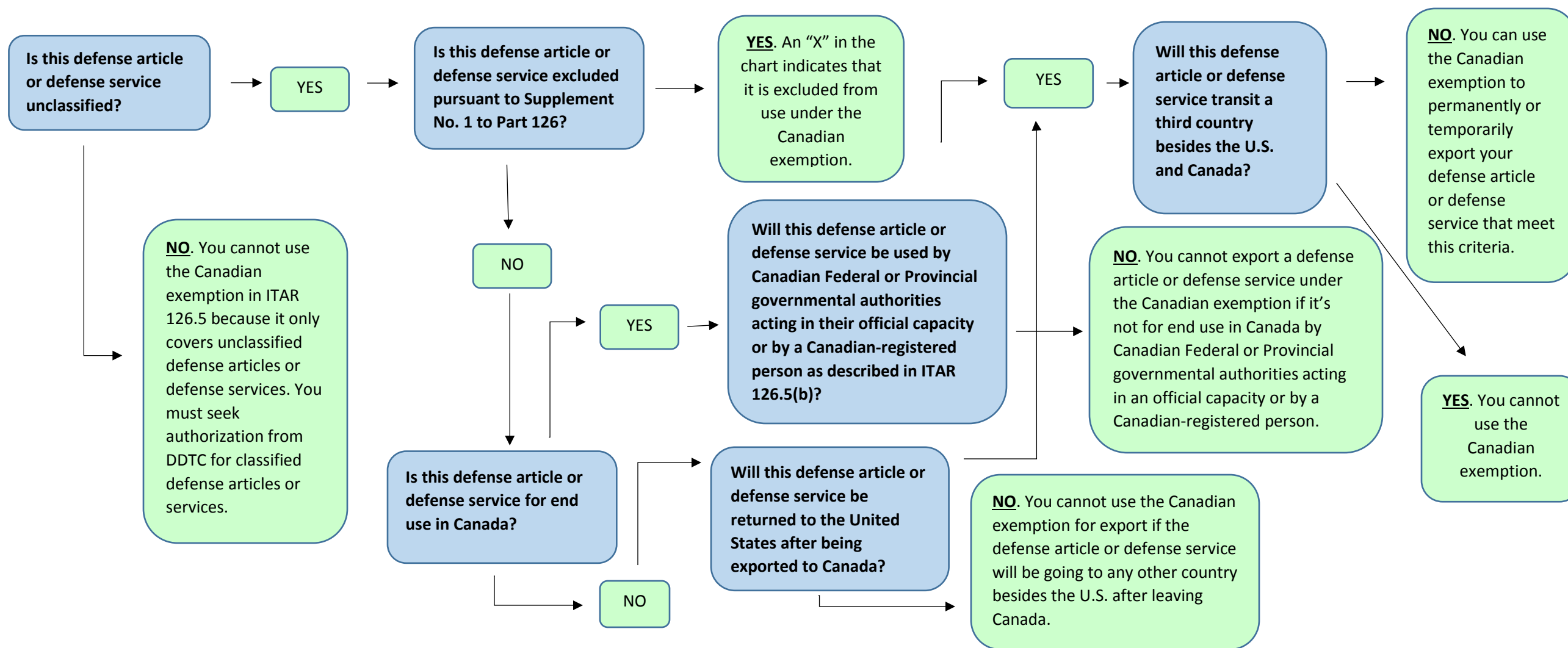




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Can I use the Canadian exemption to permanently or temporarily export ITAR controlled defense articles or defense services?





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Can I use the Canadian exemption to reexport or retransfer ITAR controlled defense articles or defense services?

